

### Remarks

In view of the following discussion, the applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U. S. C. § 103. Thus, applicants believe that all of these claims are in allowable form.

### REJECTIONS

#### A. 35 U. S. C. § 103

1. Claims 1-18 are not obvious over Buchler et al. in view of Milton et al.

Claims 1-18 stand rejected under 35 U. S. C. § 103(a) as being obvious over Buchler et al. (U. S. Patent 6,266,305 issued July 24, 2001) in view of Milton et al. (U. S. Patent 3,659,229) issued April 25, 1972). Effective November 29, 1999, subject matter which was prior art under former 35 U. S. C. § 103 via 35 U. S. C. § 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention were commonly owned. This change applies to continuing applications filed on or after November 29, 1999. The mere filing of a continuing application on or after November 29, 1999 will serve to exclude commonly owned 35 U. S. C. § 102(e) prior art that was applied, or could have been applied, in a rejection under 35 U. S. C. § 103 in the parent application (see, MPEP §706.02(1)(1)).

As such, the applicants have herewith filed a Continuation application including claims 1-18 to disqualify Buchler et al. as applied thereto by the Examiner. U. S. Patent 6,266,305 filed on June 3, 1998 and issued July 24, 2001 is assigned to Deutsche Thomson-Brandt GmbH, Villingen-Schwennington, Germany. The present application is also assigned to Deutsche Thomson-Brandt GmbH, Villingen-Schwennington, Germany.

In view of the above, the applicants submit that Buchler et al. is disqualified prior art and the basis for the Examiner's rejection pursuant to 35 U. S. C. § 103 has been removed. Therefore, it is respectfully requested that this rejection be withdrawn.

#### CONCLUSION

Thus, the applicants submit that none of the claims, presently in the application are obvious under the provisions of 35 U. S. C. § 103. Consequently, the applicants believe that all of the claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Ms. Patricia A. Verlangieri, at (609) 734-6867, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,



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